

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HENRY L. BLEVINS and RYAN REAL :	:	CIVIL ACTION NO. 1:07-CV-0633
ESTATE AND PROPERTY	:	
MANAGEMENT, INC.,	:	(Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
J. ROBERT KATHERMAN, ESQUIRE :	:	
and KATHERMAN, HEIM & PERRY,	:	
Defendants	:	

ORDER

AND NOW, this 14th day of August, 2008, upon consideration of plaintiffs' motion for leave to file an amended complaint (Doc. 23), and it appearing that the claims set forth in the proposed amended complaint are based upon the same factual averments as the original complaint, see FED. R. CIV. P. 15(c), that granting leave to amend would be in the interests of justice because the facts contained in the amendment were uncovered by the plaintiffs during pre-mediation discovery, see id. 15(a)(2) ("[A] party may amend the party's pleading only by leave of court . . . and leave shall be freely given when justice so requires."), and that the court cannot find with certainty that amendment would be futile absent additional information about the relationship between the parties and the attendant duties that may or may not have arisen therefrom, see Dyche v. Bonney, No. 04-1833, 2006 WL 680816, at *1 (M.D. Pa. Mar. 13, 2006) (permitting a court to deny a motion for leave to amend if "the amendment would be futile"), it is hereby ORDERED that:

1. The motion for leave to file an amended complaint (Doc. 23) is GRANTED.

2. The Clerk of Court is directed to file the proposed document (Doc. 23, Ex. A) as an amended complaint as of the date of this order.
3. The parties are directed to proceed with mediation consistent with the order of reference dated February 19, 2008 (see Doc. 22) and to schedule a conference call with the court within one week after the conclusion of mediation as directed by the order of court dated April 16, 2008 (see Doc. 28).
4. The order of court dated August 5, 2008 (Doc. 29) is AMENDED as follows:
 - a. If the mediation has not been concluded on or before October 1, 2008, the parties are directed to file a joint status report indicating the progress of the mediation.
 - b. All other aspects of the order of court dated August 5, 2008 (Doc. 29) shall remain in full force and effect.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge